

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

GLOBAL CONTACT SERVICES, INC.,
Employer,

and

LOCAL 621 UNITED CONSTRUCTION
TRADES & INDUSTRIAL EMPLOYEES
Petitioner

and

TRANSPORT WORKERS UNION
LOCAL 100, AFL-CIO
Intervenor

and

LOCAL 322, UNITED WORKERS OF
AMERICA
Intervenor.

Case No. 29-RC-134071

**EMPLOYER’S BRIEF IN SUPPORT OF EXCEPTIONS TO
REPORT ON OBJECTIONS**

Global Contact Services, Inc. (“GCS”), Employer in the above-captioned case, has taken the following exception to the Report on Objections (the “Report”) issued on October 22, 2014 by the Regional Director of Region 29:¹

1. GCS excepts to the Regional Director’s decision to overrule the objection that Local 621 (“Local 621”) United Construction Trades & Industrial Employees “offered to pay cash to an employee for his support in the campaign” on the basis that GCS did not file an objection “specifically alleging” that conduct. (Report, p. 14.)

¹ On November 4, 2014, Region 29 conducted an objections hearing solely with respect to two of GCS’s objections (1(a) and (b)) concerning the conduct of Transport Workers Union Local 100. The Region has not yet issued a Hearing Officer’s Report on those objections and GCS reserves the right, if necessary, to file exceptions to that report after it issues.

For the reasons set forth below, GCS respectfully requests that the Board set aside the election and direct a re-run election in Case No. 29-RC-134071 based upon the objectionable conduct of Local 621. At the very least, GCS asks that the Board direct the Regional Director to schedule a hearing so that GCS has an adequate opportunity to develop the factual record in support of its Objection.

FACTS

On August 5, 2014, Local 621 filed a petition in Case No. 29-RC-134071 seeking to represent GCS's customer service representatives and travel service agents. (Exhibit A). The Regional Director for Region 29 scheduled the election, involving Local 621 and Intervenor unions Transport Workers Union Local 100 ("Local 100") and Local 322 United Workers of America to take place over the course of four consecutive days from September 10 through 13, 2014. (Exhibit B).

Shortly after the election, on September 20, 2014, GCS filed its Objections to Union Conduct Affecting the Results of the Election, based in part on the offers of payment and actual payments to GCS associates by Local 621 and by Local 100 as quid pro quo for their votes in the election. (Exhibit C).

In its Objections concerning the conduct of Local 621, GCS alleged, in relevant part, that Local 621 "engaged in conduct that destroyed the laboratory conditions necessary for a free and fair election by, but not limited to... **"providing employees with substantial benefits** including food and clothing, such as t-shirts with the union insignia emblazoned on it on multiple occasions including on election days." (Exhibit C)(emphasis added).

GCS then timely submitted its position statement and witness list in support of its objections on September 29, 2014. GCS attached several witness statements to its position

statement, including one from GCS associate Morrell Wainwright, who testified in relevant part, as follows:

[Local 621 representative] Walker said that if I agreed to vote for Local 621 and to help persuade others to vote for Local 621 that Local 621 would pay me \$200.

(Exhibit D)²

On October 22, 2014, the Regional Director issued his Report on Objections and Notice of Hearing. (“Report”). In his Report, the Regional Director ordered that a hearing be held solely with respect to GCS’s objections 1(a) and (b) concerning the alleged conduct of Local 100 that it (1) offered and/or provided “substantial monetary benefits to vote for and campaign for TWU Local 100” and (2) “promis[ed] employees a substantial cash benefit in exchange for their vote for TWU Local 100. As noted above, Region 29 held a hearing on those objections on November 4, 2014 and to date, the Hearing Officer’s Report has not yet issued.

In his Report on Objections, the Regional Director overruled GCS’s objection concerning Local 621’s offer of payment to an employee as an inducement to vote for Local 621 on the basis that this conduct was “not specifically alleged” in GCS’s objections. (Report at 14).

ARGUMENT

The Regional Director Erred in Overruling GCS’s Objection Alleging that Local 621 Offered to Pay Cash to an Employee for His Vote and Support in the Campaign

As noted above, GCS timely filed objections following the election. Among the objections was one alleging that during the critical period Local 621 provided employees with certain substantial benefits. GCS’s objections concluded that “[b]y the above and other acts... Local 621 destroyed the laboratory conditions necessary for a free and fair election.”

² The other witness statements submitted to the Region in support of GCS’s objections are attached hereto as Exhibits E through L.

As also noted above, GCS timely submitted its position statement and witness list in support of its objections nine days later, on September 29, 2014. Included with that position statement was a witness statement from employee Morrell Wainwright who, in no uncertain terms, testified that Local 621 representative Walker offered him \$200 to vote for Local 621 and to help persuade others to vote for Local 621.

The Regional Director refused to consider this evidence of egregious union misconduct, asserting in his Report that "...in order to prevent the piecemeal submission of objections which would delay the Region's investigations... an objecting party cannot later raise additional allegations of misconduct **unrelated** to its timely-filed objections, unless the party demonstrates that the evidence was both 'newly discovered' and 'previously unavailable.'" The Regional Director then concluded that because GCS did file an objection "**specifically** alleging that Local 621 offered to pay cash to an employee for his support in the campaign" the objection should be overruled.

The Regional Director's finding that GCS's objection concerning Local 621 offers of payment to a GCS associate must be overruled because it was not "specifically alleg[ed]" as an objection is not consistent with long-standing Board precedent. In *Fiber Industries, Inc.* 267 NLRB 840 (1983), the Board determined to set aside an election, finding that it may consider allegations of objectionable conduct that "**do not exactly coincide with the precise wording of the objections**" if they are "**sufficiently related**" to the timely filed objections. *Id.* at fn. 2.

Although GCS did not "specifically" allege that Local 621 offered or actually paid associates to vote for and/or campaign on behalf of Local 621, GCS did file objections that Local 621 "engaged in conduct that destroyed the laboratory conditions necessary for a free and fair election by, but not limited to... providing employees with substantial benefits... [and]

promising to waive initiation fees.” If Employee Morrell Wainwright’s testimony that Local 621 representative Walker offered to pay him money to vote for Local 621 and to persuade others to vote for Local 621 does not “relate” to GCS’s timely filed objections of other substantial benefits that Local 621 offered and/or provided to employees it is hard to imagine how the Board would ever find that conduct could relate to an timely filed objection. Moreover, the Regional Director’s assertion that GCS needed to “specifically” allege the payment of money in its objections is not supported by Board precedent.

CONCLUSION

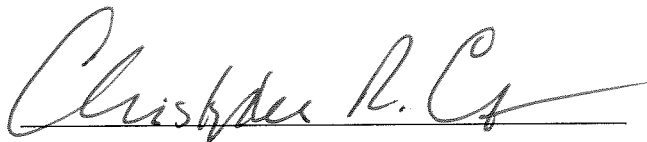
For the reasons given above, GCS respectfully requests that the Board set aside the election and direct a re-run election in Case No. 29-RC-134071. In the alternative, GCS asks that the Board direct the Regional Director to schedule a hearing on GCS’s objection relating to the above-referenced objection concerning the conduct of Local 621 so that GCS has an adequate opportunity to develop the factual record in support of its Objection.

Dated this the 5th day of November 2014.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By:

A handwritten signature in cursive script, appearing to read "Christopher R. Coxson", written over a horizontal line.

Christopher R. Coxson

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TRANSPORT WORKERS UNION
LOCAL 100, AFL-CIO

Intervenor

and

LOCAL 322, UNITED WORKERS OF
AMERICA

Intervenor.

Case No. 29-RC-134071

CERTIFICATE OF SERVICE

This is to certify that I have this day served via electronic filing these Exceptions on:

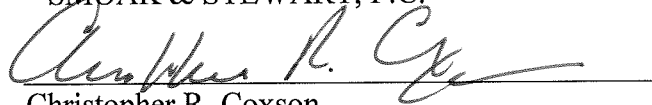
James G. Paulsen, Regional Director
National Labor Relations Board – Region 29
Two Metro Tech Center, Suite 5100
Brooklyn, NY 11201

This is to certify that I have this day served via electronic mail these Exceptions on:

Stephen Goldblatt, Esq. 3315 Nostrandt Avenue Ste L1-A Brooklyn, NY 11229-3269	Kenneth Page, Director, Legal Department 1700 Broadway 21 st Floor, Suite 2101 Brooklyn, NY 11201
Stephen G. Sombrotto, Representative United Workers of America Local 322 367 Long Beach Rd., No. 147 Island Park, NY 11558-4010	

This the 5th day of November 2014.

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.



Christopher R. Coxson

Counsel for Global Contact Services, Inc.

EXHIBIT A

718 330-2722

INTERNET
FORM NLRB-502
(2-08)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
PETITION

FORM EXEMPT UNDER 44 U.S.C.

DO NOT WRITE IN THIS SPACE

Case No
29-RC-134071

Date Filed
8/5/14

INSTRUCTIONS: Submit an original of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.

The Petitioner alleges that the following circumstances exist and requests that the NLRB proceed under its proper authority pursuant to Section 9 of the NLRA.

1 PURPOSE OF THIS PETITION (If box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)

- ☒ RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees
- ☐ RM-REPRESENTATION (EMPLOYER PETITION) - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
- ☐ RD-DECERTIFICATION (REMOVAL OF REPRESENTATIVE) - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
- ☐ UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES) - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
- ☐ UC-UNIT CLARIFICATION - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees (Check one) ☐ In unit not previously certified. ☐ In unit previously certified in Case No. _____
- ☐ AC-AMENDMENT OF CERTIFICATION - Petitioner seeks amendment of certification issued in Case No. _____
Attach statement describing the specific amendment sought.

2 Name of Employer *Global Contact Services* Employer Representative to contact *DAMARIS MERRITT* Tel. No. *718 393-4999*

3 Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) *3300 Northern Blvd Long Island City, NY* Fax No. *718 393-4816*

4a Type of Establishment (Factory, mine, wholesaler, etc.) _____ 4b Identify principal product or service _____ Cell No. _____ e-Mail _____

5 Unit involved (In UC petition, describe present bargaining unit and attach description of proposed clarification) *Included: All Customer Service Reps, Travel Service agents, Dispatchers* 6a Number of Employees in Unit Present *550*

Excluded: All Guards, Supervisors & Management Proposed (By UC/AC) _____ 6b. Is this petition supported by 30% or more of the employees in the unit? ☐ Yes ☐ No

(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)

7a ☐ Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about (Date) _____ (If no reply received, so state)

7b. ☐ Petitioner is currently recognized as Bargaining Representative and desires certification under the Act

8 Name of Recognized or Certified Bargaining Agent (If none, so state) _____ Affiliation _____

Address _____ Tel. No. _____ Date of Recognition or Certification _____ Cell No. _____ Fax No. _____ e-Mail _____

9 Expiration Date of Current Contract (If any (Month, Day, Year)) _____ 10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day and Year)

11a Is there now a strike or picketing at the Employer's establishment(s) Involved? Yes ☒ No ☒ 11b If so, approximately how many employees are participating? _____

11c The Employer has been picketed by or on behalf of (Insert Name) _____, a labor organization, of (Insert Address) _____ Since (Month, Day, Year) _____

12 Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above (If none, so state)

Name	Address	Tel No	Fax No

13 Full name of party filing petition (If labor organization, give full name, including local name and number) *United Construction & Industrial Employees Union Local 621*

14a Address (street and number, city, state, and ZIP code) *150-28 Union Turnpike, Flushing, NY 11367 Suite 250* 14b Tel No *EXT 718 326-4852* 14c Fax No _____ 14d Cell No *347 219-7536* 14e e-Mail *Dean.Delucia@ucth.com*

16 Full name of national or international labor organization of which Petitioner is an affiliate or constituent (to be filled in when petition is filed by a labor organization)

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) *Dean Delucia* Signature *Dean Delucia* Title (If any) *Sec. Treasurer*

Address (street and number, city, state, and ZIP code) *150-28 Union Turnpike, NY 11367* Tel No. *SAME* Fax No _____ Cell No *SAME* e-Mail *SAME*

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT B



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 29
TWO METRO TECH CENTER STE 5100
FL 5
BROOKLYN, NY 11201-3838

Agency Website: www.nlrb.gov
Telephone: (718)330-7713
Fax: (718)330-7579

August 22, 2014

DAMARIS MERRITT
GLOBAL CONTACT SERVICES
3300 NORTHERN BLVD.
LONG ISLAND CITY, NY 11101

POLLY J. HALFKENNY, STAFF ATTORNEY
TRANSPORT WORKERS UNION, LOCAL 100, AFL-CIO
1700 BROADWAY FL2
NEW YORK, NY 10019-5930

CEASAR ALARCON
WAREHOUSE, DISTRIBUTION AND GENERAL WORKERS UNION LOCAL 811
P.O. BOX 13733
STATEN ISLAND, NY 10313

STEPHEN G. SOMBROTTO, REPRESENTATIVE
LOCAL 322 UNITED WORKERS OF AMERICA
367 LONG BEACH RD
ISLAND PARK, NY 11558-4010

DEAN DELUCIA, SECRETARY TREASURER
LOCAL 621 UNITED CONSTRUCTION TRADES & INDUSTRIAL EMPLOYEES
150-28 UNION TURNPIKE, STE 250
FLUSHING, NY 11367-3912

Re: Global Contact Services
Case 29-RC-134071

Dear Mr. MERRIT, Mr. HALFKENNY, Mr. ALARCON, Mr. SOMBROTTO, Mr. DELUCIA:

Enclosed is a copy of the election agreement that I have approved in this case. This letter will provide you with additional information about the election eligibility list, posting the election notices, and the agreed-upon election arrangements.

Election Eligibility List

It is longstanding Board policy that all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. In accordance with the terms of the election agreement, the Employer must file with me an election eligibility list,

August 22, 2014

containing the **full names and complete addresses** (including postal zip codes) of all the eligible voters who were on the Employer's payroll for the period ending **August 17, 2014**.

The list must be of sufficiently large type to be clearly legible, and the names should be alphabetized. I will make this list available to all parties to the election.

To be timely filed, the list must be received in this office on or before **August 29, 2014**. No extension of time to file this list may be granted except in extraordinary circumstances. Failure by the Employer to comply with this requirement is grounds for setting aside the election if proper objections are filed.

Electronic filing of the list through the Agency website is preferred but not required. To file electronically, go to **www.nlr.gov**, click on **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. The list also may be submitted to our office by fax to (718)330-7579 or by regular mail to the address above. The burden of establishing the timely filing and receipt of the list is on the sending party.

Election Arrangements

The arrangements for the election in this matter are as follows:

Date of Election: Wednesday, September 10, 2014

Time: 11:00 a.m. to 4:30 p.m. and 11:00 p.m. to 12:30 a.m.

Place: 7th Floor Conference Room in Suite 7110 in the Employer's facility located at 3300 Northern Blvd Fl 8, Long Island City, NY

Election Observers: Each party may have an observer for each polling session. The observers may be present at the polling place during the balloting and to assist the Board agent in counting the ballots after the polls have been closed. **Please complete the enclosed Designation of Observer form and return it to this office as soon as possible.**

Pre-Election Conference: A pre-election conference for all parties will be held on Wednesday, September 10, 2014 at 10:30 a.m. at 7th Floor Conference Room in Suite 7110 in the Employer's facility located at 3300 Northern Blvd. The parties are requested to have their election observers present at this conference so that the observers may receive instruction from the Board Agent about their duties.

Election Equipment: The Board agent conducting the election will furnish the ballot box, ballots, and voting booths. The Employer is requested to provide, at the polling place, a table and a sufficient number of chairs for use by the Board agent and observers during the election.

August 22, 2014

Posting of Election Notices

Election notices will soon be mailed to the parties. Section 103.20 of the Board's Rules and Regulations requires the Employer to timely post copies of the Board's official Notice of Election in conspicuous places. In this case, the notices must be posted **before 12:01 a.m. on Friday, September 5, 2014**. If the Employer does not receive copies of the notice by September 3, 2014 it should notify the Regional Office immediately. Pursuant to Section 103.20(c), a failure to do so precludes an employer from filing objections based on nonposting of the election notice.

To make it administratively possible to have election notices and ballots in a language other than English, please notify the Board agent immediately if that is necessary for this election. Also, as noted in paragraph 9 of the stipulated election agreement, if special accommodations are required for any voters, potential voters, or election participants to vote or reach the voting area, please tell the Board agent as soon as possible.

If there are any questions, please feel free to contact Attorney LYNDIA TOOKER at telephone number (718)330-2722 or by email at lynda.tooker@nlrb.gov. The cooperation of all parties is sincerely appreciated.

Very truly yours,


JAMES G. PAULSEN
Regional Director

Enclosures

1. Approved Election Agreement
2. Designation of Observer Form

cc: CHRISTOPHER R. COXSON, ESQ.
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
10 MADISON AVENUE, SUITE 400
MORRISTOWN NJ 07928

ERIC C. STUART, ESQ.
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
10 MADISON AVENUE, SUITE 400
MORRISTOWN NJ 07928

STEPHEN GOLDBLATT, ESQ.
LAW OFFICES OF STEPHEN
GOLDBLATT, P.C.
3315 NOSTRAND AVENUE
STE L1-A
BROOKLYN, NY 11229-3269

KENNETH PAGE, ESQ.,
TRANSPORT WORKERS UNION OF
GREATER NEW YORK, LOCAL 100
AFL-CIO
1700 BROADWAY
FL 21ST
NEW YORK, NY 10019

EXHIBIT C

**UNITED STATES GOVERNMENT
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

GLOBAL CONTACT SERVICES
Employer

and

LOCAL 621, UNITED CONSTRUCTION TRADES &
INDUSTRIAL EMPLOYEES
Petitioner

Case No. 29-RC-134071

and

LOCAL 322 UNITED WORKERS OF AMERICA
Intervenor

and

TRANSPORT WORKERS UNION, LOCAL 100
Intervenor

**EMPLOYER'S OBJECTIONS TO UNION CONDUCT
AFFECTING THE RESULTS OF THE ELECTION**

From Wednesday, September 10 to Saturday, September 13, 2014 an election was held in the above-referenced matter. The ballots were counted on Sunday morning immediately after the last voting Session from 11:00 p.m. to 12:30 a.m. Pursuant to Section 102.69 of the National Labor Relations Board's Rules and Regulations, Global Contact Services ("GCS") objects to union conduct improperly affecting the results of the election.

1. During the critical period, up to and including election days, Transport Workers Union, Local 100 ("TWU Local 100") engaged in conduct that destroyed the laboratory conditions necessary for a free and fair election by, but not limited to, the following:

- a. Providing GCS employees ("employees") substantial monetary benefits to vote and campaign for TWU Local 100;
- b. promising employees a substantial cash benefit in exchange for their vote for TWU Local 100;
- c. promising employees additional benefits, including free dental and vision coverage, in exchange for their vote for TWU Local 100;
- d. inviting political leaders to appear near the polling areas to speak with voters about the alleged benefits of unionization;
- e. acting in concert with members of the state and local governments to create the impression that the government viewed the unionization of GCS by TWU Local 100 as a desirable outcome and governmental objective;
- f. threatening employees that their employment would be terminated if they did not vote for TWU Local 100;
- g. promising employees they would receive preference for jobs with the MTA if they voted for TWU Local 100;
- h. entering GCS work areas unannounced and uninvited, in order to disrupt employees during working time and thereafter defiantly refusing to leave GCS work areas when asked to do;
- i. paying GCS employees to harass and bully their co-workers to vote for TWU Local 100;
- j. entering GCS work areas unannounced and uninvited before and after work hours in order to distribute campaign documents on employees' desks and in the break rooms;

- k. parking a large, full-sized bus in the public bus zone located directly in front of the entrance to the facility that all employees must use in order to harass, intimidate and give employees the impression that TWU Local 100 was above the law;
- l. parking a large TWU Local 100 bus in front of the entrance to GCS in a no parking zone in full view and with the apparent support of New York City police officers and governmental officials in order to give GCS employees the impression that TWU Local 100 was acting in concert with public servants and officials and that those public officials viewed the unionization of GCS by TWU Local 100 as a desirable outcome and governmental objective;
- m. calling employees during working time on the GCS phone system designed for Access-A-Ride customers in order to harass and intimidate employees;
- n. providing employees with substantial benefits including food and clothing, such as t-shirts with the union insignia emblazoned on it on multiple occasions including on election days.
- o. engaging in open electioneering during the polling period, including, but not limited to: (i) displaying signs and banners on the bus parked in front of the entrance to building where GCS is located; and, (ii) congregating in such numbers and at such times so as to create an atmosphere of intimidation.

2. During the critical period Local 621, United Construction Trades & Industrial Employees ("UCTIE Local 621") engaged in conduct that destroyed the laboratory conditions necessary for a free and fair election by, but not limited to, the following:

- a. providing employees with substantial benefits including food and clothing, such as t-shirts with the union insignia emblazoned on it on multiple occasions including on election days.
- b. promising employees that if Local 621 won the election their imitation fees would be waived.

3. During the critical period, up to and including election days, TWU Local 100, United Workers of America, Local 322 ("UWA Local 322") and UCTIE Local 621 gathered daily in front of the entrance of the facility that all employees must use and engaged in violent behavior, intimidated and harassed voters.

By the above and other acts, TWU Local 100, UWA Local 322 and UCTIE Local 621 destroyed the laboratory conditions necessary for a free and fair election. Accordingly, Global Contact Services requests that the results of the election be set aside and a new election ordered.

Respectfully submitted,

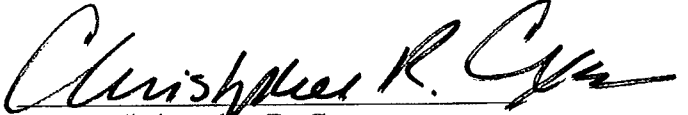
 

Eric C. Stuart
Ogletree, Deakins, Nash,
Smoak & Stewart, P.C.
10 Madison Ave, Fourth Floor
Morristown, NJ 07960
Tel: 973.656.1600
Fax: 973.656.1611

Dated: September 20, 2014

CERTIFICATE OF SERVICE

The undersigned certifies that the Employers Objections to Election was filed electronically via the NLRB website.


Christopher R. Coxson

Dated: September 20, 2014

EXHIBIT D

Global Contact Services

Case #: 29-RC-134071

WITNESS STATEMENT OF
MORRELL WAINWRIGHT

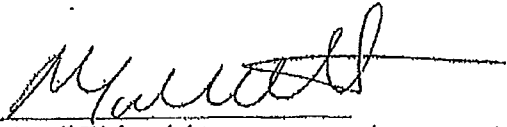
My name is Morrell Wainwright and I am an associate at Global Contact Services.

I recall that on the Saturday or Sunday before the NLRB election that started on September 10, I was leaving the facility at the end of my shift to go home when I was approached at the front doors to the building by a former GCS employee Cassidee Bush. She was wearing a Local 621 T-shirt. She asked me to follow her so that I could meet someone. We walked around to the side of the building. There was an African American gentleman there who I had seen before standing with other Local 621 representatives campaigning on behalf of Local 621. He appeared to be in his 40s or 50s. Cassidee introduced us saying that he was a Local 621 representative and I believe she said his name is Kevin Walker.

Walker said that if I agreed to vote for Local 621 and to help persuade others to vote for Local 621 that Local 621 would pay me \$200 dollars. Walker said that another GCS associate, Sandra Lennon, was helping Local 621 get the older GCS associates on the 7th floor to agree to vote for Local 621. He said that because I am a younger guy, it would be helpful if I could persuade the younger associates to vote for Local 621. (I later heard rumors that Sandra Lennon ended up voting for Local 100 instead). I responded that I would think about it and get back in touch with him. I gave my cell phone number to Cassidee. That was the end of that conversation.

That Monday morning, two days before the election, Walker called me on my cell phone. He asked if we could meet at noon for lunch at a hotel nearby GCS. He said that he wanted to introduce me to another Local 621 representative to discuss further what I had discussed with him when we met previously. I said that my shift started at 2 p.m. and asked if we could meet a little closer to that time. He said that was fine. I ended up not going to work that day for personal reasons. Walker tried to call me several more times that day until about 3 p.m. I know it was Walker calling me because I recognized his phone number from the first time he called and spoke with me. I did not answer any of his calls after the first time he called and did not speak to him again.

I have read this statement and swear that it is true.


Morrell Wainwright 9/26/14

Dated: September 26, 2014

EXHIBIT E

Global Contact Services

Case #: 22-RC-134071

WITNESS STATEMENT
OF

ERIC SHULER

My name is Eric Shuler and I am employed by Global Contact Services, Inc.

I have been employed by GCS since September 2013 as a reservation and customer care associate. My Team Leader/ Supervisor is Nigel Clark. I work on the 8th floor.

During the week prior to the election I was approached by several other associates who tried to get me to vote for and campaign on behalf of TWU Local 100.

One of the associates who approached me on two occasions was Sandra Lennon.

The first time she approached me was outside on the side of the building where GCS's offices are located. I was having a cigarette, and we were the only two involved in the conversation.

Ms. Lennon told me that Local 100 was offering people money to vote for it and asked me if I was on board with Local 100. She said that TWU could get things for us and that I would be paid 200 to 300 dollars if I agreed to vote for 100. She told me she was going to get compensated by Local 100 for trying to get people to vote for Local 100. I said that I was not interested in voting for 100 because I was aware through a friend of mine who worked for First Transit about what he had gone through with the union and I was not interested in it. Ms.

Lennon said we need Local 100 because we don't have job security. She told me that at First Transit when people got fired they would come back after 2 or 3 months and be paid for the time they were out. I just said I was not interested and that was the end of that conversation.

The second time I spoke with Ms. Lennon was about a day later in the breakroom. She approached me with another GCS associate, Ms. Foster. Ms. Foster had worked for First Transit as well. There were three other GCS associates in the room who approached me at that time as well, but I do not recall their names. Ms. Lennon reiterated that I needed to get on board with TWU Local 100. I said again that I am not interested and that I am here to do my job. Ms. Foster told me that I would be paid to vote for Local 100 and that it would be good to have Local 100 because there was a licensed shop stewardess who was a GCS associate who could really help us.

About a week before the election another GCS associate Hilda Davis approached me on the floor at my cubicle. She was also a former First Transit employee. She told me the same things Ms. Lennon and Ms. Foster told me. She said that I needed to vote for the Local 100. She said that I needed to "come and get this money with us" by getting people to vote for 100. She did not say how much money Local 100 would pay me to do that. However, Ms. Davis told me that the money Local 100 pays people to vote varies. She said Local 100 had paid some people \$500 and others \$150 to agree to vote for Local 100. She said the amount varied depending how hard it was to persuade the associate to agree to vote for Local 100. She said it was not too hard to sway the younger associates so they typically got paid less by Local 100. She told me that she personally had paid four associates with money she got from Local 100 to pay associates to vote

for Local 100. She told me that associates got paid for the most part during a Local 100 meeting at a hotel up the block from GCS. That meeting was a few days before the election. I told her the same thing I told Ms. Lennon, that I was not interested in voting for Local 100. I told her that people may be getting paid now by Local 100 to vote for it, but that they would be paying it all back in dues if Local 100 won. Ms. Davis said I need the money now and that also Local 100 would give me job security. I simply reiterated that I was not interested and that was the end of that conversation.

GCS associate Brenda Ray rides the train with me in the mornings. During the week prior to the election, she said she was getting paid by Local 100 to try to get people to vote for it. She would say to me that I should join her and get people to vote for Local 100 and that Local 100 would pay me to do that also. I told her I was not interested.

After the election was over, GCS Associate Patricia Edwards approached me at work and asked me why I did not vote. She said "I'm about to get my money" from Local 100 for helping get people to vote for Local 100. I just told her to do her thing.

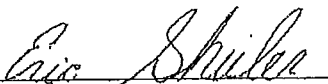
A couple of days before the election I was outside having a cigarette near the Local 100 bus which was parked right in front of the GCS building as it was every day during the weeks leading up to the election. I heard a TWU Representative speaking with another TWU representative and Ms. Lennon. I know they were TWU representatives because I had seen them handing out TWU clothes such as t-shirts and hat, and fliers to associates on behalf of TWU. One of the TWU representatives, a tall white guy with glasses said out loud that it was no big

deal to give associates a couple of grand now when we will get a half million dollar contract and dues later. He said "we feed them now and they will feed us later." He said we'll make back the money we give them now in the first month after we get a contract signed. The other TWU representative laughed.

Before the election, TWU would have lunches available for associates almost on a daily basis at the Holiday Inn. When I walked outside TWU representatives told me that I could go up the block to the Holiday Inn and have sandwiches, steak, pastry, burgers, and franks. I never went. I would often see other associates come back with plates of food. They would tell me that they got it from TWU.

Local 621 representatives would also offer free food to associates on a daily basis. I don't know where Local 621 would give the food out. Both 621 and Local 100 gave out food and union clothes such as t-shirts with the unions' names emblazoned on them.

I have read my above statement and swear that it is the truth.


Eric Shuler

Dated: September 25⁴, 2014

EXHIBIT F

Global Contact Services

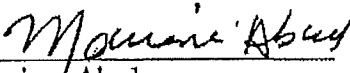
Case #: 229-RC-134071

WITNESS STATEMENT
OF

MARIANA ABAD

My name is Mariana Abad. I am employed as a Customer Service associate at Global Contact Services. I attended a TWU Local 100 meeting at the Holiday Inn a couple of days prior to the election. I recall that one of the TWU representatives, a Puerto Rican man with glasses approached me and said that I needed to make sure and vote for Local 100 because if I did the Union would give me free dental and vision care. I was very surprised and asked him if he was sure that I would get that if I voted for Local 100. He said yes, that I would get that if I voted for Local 100.

I have read my above statement and swear that it is the truth.


Mariana Abad

Dated: September 25, 2014

EXHIBIT G

Global Contact Services

Case #: 22-RC-134071

WITNESS STATEMENT
OF

TOYIA SMITH

My name is Toyia Smith and I am a Team Leader for Global Contact Services, Inc. For several weeks leading up to the NLRB election that began on September 10, 2014, including on the first day of the election, I saw a TWU bus and TWU representatives' vehicles parked along with Local 621 vehicles directly in front of GCS in the no parking zone that is reserved for MTA public transportation buses.

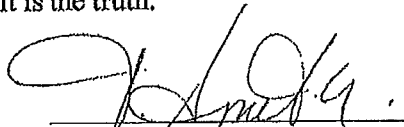
I saw the TWU bus parked there in the mornings when I arrived and at night, at 5 p.m. when I would leave. I would see it parked there throughout the day as well when I would go outside occasionally for cigarette breaks. The bus was always there.

Almost on a daily basis during the days and weeks leading up to the election I would see Local 100 and Local 621 representatives engaged in loud arguments right in front of the entrance to the building that all GCS associates must use. Associates were subjected to the unions' obscenities and altercations daily. I know the individuals who engaged in this behavior were TWU Local 100 and Local 621 representatives because I saw them wearing the t-shirts for those unions and handing out t-shirts and fliers on behalf of their respective unions on a daily basis. On one

occasion, just a couple of days before the election, I was exiting the building at the end of my shift at about 5 p.m. I saw a TWU and Local 621 representative yelling obscenities at one another. Then I saw the Local 621 representative punch the Local 100 representative in the face. At that point there were approximately 30 GCS associates out front who were also leaving for the day. I did not wait to see what happened next as a crowd gathered around the two union representatives.

I know that associates would also receive free food from Local 100 several times a week at the Holiday Inn up the street from GCS. The associates would come back with plates of food and talk openly about the fact that they were getting the food from TWU.

I have read my above statement and swear that it is the truth.



Toyia Smith

Dated: September 24, 2014

EXHIBIT H

Global Contact Services

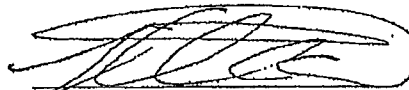
Case #: 22-RC-134071

WITNESS STATEMENT OF
MAURICE CUMBERBATCH

My name is Maurice Cumberbatch and I am a Team Leader for Global Contact Services, Inc. For several weeks leading up to the NLRB election that began on September 10, 2014, including on the first day of the election, I saw a TWU bus and TWU representatives' vehicles parked along with Local 621 vehicles directly in front of GCS in the no parking zone that is reserved for MTA public transportation buses.

In fact, on the first day of the election, I saw the TWU bus parked outside GCS in that no parking zone. I was outside having a cigarette when I saw a couple of TWU representatives talking to GCS associates before and after the election began at 11:00 a.m. I saw TWU representatives standing in front of the bus handing out fliers to GCS associates as they entered and exited the building. I heard one of the TWU representatives announce to associates as they were handing out the fliers that they needed to vote for Local 100 and that if they did, TWU would continue to have meetings and food for them.

I have read my above statement and swear that it is the truth.

A handwritten signature in black ink, appearing to read 'M. Cumberbatch', enclosed within a hand-drawn oval border.

Maurice Cumberbatch

Dated: September 26, 2014

EXHIBIT I

Global Contact Services

Case #: 22-RC-134071

WITNESS STATEMENT
OF


PATRICIA WATKINS

My name is Patricia Watkins. I am the Quality Assurance Manager for Global Contact Services. I recall that about a week prior to the election, at about 8:45 a.m. I was walking down the hallway on the 7th Floor near the large breakroom when I heard two female associates talking to one another loud enough for anyone in the vicinity to hear them. One said that TWU had threatened her that if she did not vote for Local 100 she would be terminated from her job. She then said that she could "not play around" and that she was going to vote for Local 100 because she could not afford to lose her job because she needed to feed her kids. I did not stop to look to see who the two associates were that were having that conversation and I kept walking past them because I did not want to eavesdrop on their conversation. The comments concerned me though, so I told the Director of our GCS center, Frank Camp about what I heard immediately after that.

I saw the TWU bus parked in the parking zone directly in front of the entrance to GCS. The TWU and other union representatives would line up in front of the entrance, and even stand on the steps leading into the building so that it was impossible to avoid them. They would aggressively approach associates with flyers, handing out t-shirts and buttons. TWU continued to park the large bus in front of the building even on the first day of the election.

I was told by a GCS Team Lead Daisy Nunez that she was approached by associates who told her they were paid by Local 100 to vote for it in the election.

I have read my above statement and swear that it is the truth.



Patricia Watkins

Dated: September 25, 2014

EXHIBIT J

Global Contact Services

Case #: 22-RC-134071

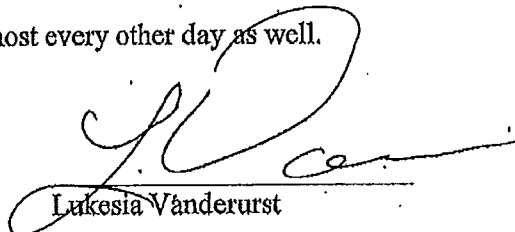
WITNESS STATEMENT OF

LUKESIA VANDERHURST

My name is Lukesia Vanderhurst and I am an Administrative Assistant at Global Contact Services.

Several days prior to the start of the election I recall that I was going out for a cigarette break at about 9:30 a.m. when I was approached by a TWU representative. I know he was a TWU Local 100 representative because I would see him outside daily in front of the TWU bus handing out materials for Local 100 and talking to associates about joining Local 100. He did this right out in the open in front of the building where I and everyone would have cigarettes breaks. That morning he asked me if I would like to meet Latitia James. I know he said she was in politics, but I'm not sure what her position is. I shook her hand and said hello. Then she walked a few feet away and started making a speech. I recall that there were about 60 associates and union representatives all gathered around to hear her. I recall guys dressed in suits with earpieces standing near her as well. She was addressing the GCS associates and saying in reference to TWU that associates should vote for the union with the most money and the voice to get things done for them with elected officials in New York. She said that the Union would be able to provide them with job security also. At that point, things became contentious with representatives from Local 322 and Local 621 yelling back and forth with representatives from Local 100. Ms. James was attempting to continue with her speech by talking over the union representatives. I do not recall what they were saying, but I decided to head back to work.

For several weeks leading up to the NLRB election I saw a TWU bus and TWU representatives' vehicles parked along with Local 621 vehicles directly in front of GCS in the no parking zone that is reserved for MTA public transportation buses. Daily, there were about 10 TWU representatives and a handful of representatives from Local 621 and Local 322 standing in front of the building, on the steps leading into the building, and even in front of the handicapped ramp leading into the building. It was impossible to get in or out of the building without having to maneuver between all the representatives who would all be yelling at associates to vote for them. They would hand out t-shirts, pins and hats. I know that every other day Local 100 was giving out free food at the Holiday Inn also. I know this because I would see associates walking into the building with plates of food and talking about how they had gotten the food from TWU. Local 621 also handed out t-shirts. I know they had barbeques where they gave out free food to GCS associates at a parking lot up the street almost every other day as well.



Lukesia Vanderurst

Dated: September 25, 2014

EXHIBIT K

Global Contact Services

Case #: 22-RC-134071

WITNESS STATEMENT OF

JONATHAN CRIMES

My name is Jonathan Crimes and I am a Team Leader for Global Contact Services.

I recall that a TWU Local 100 representative came into the GCS work areas unannounced and uninvited. He was a tall Caucasian guy with glasses who I had often seen in front of GCS by the TWU bus handing out literature on behalf of Local 100.

On the first occasion he entered the GCS work area, it was about a week and a half before the election. I found him speaking with associates in the breakroom and dropping off union flyers. I told him he could not be in the area. He looked at me and said "says who" in a confrontational way in front of the associates. He showed me a City badge. I told him that he had to leave again and he started to walk down the hall. I followed him to the elevators and watched him leave.

The same Local 100 representative came to the facility again, I believe on the Friday before the election. Nigel Clark, another team Lead, and I saw him in the same breakroom with union literature speaking with associates. I told him again that he was not permitted to simply come into GCS work areas without permission. He told me that he was with TWU and that he worked for MTA. I said that he still did not have permission to simply come into the GCS work space without permission. He said okay and left.

Then, after the election, the same guy came back a third time early in the afternoon. He was speaking with associates once again in the breakroom. This was at about 3:00 p.m. When I approached him, he said that he needed to speak with Frank Camp. I notified Frank that the

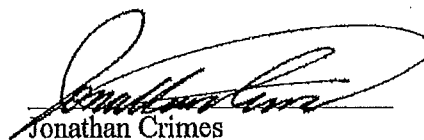


TWU representative wanted to speak with him. When Frank approached, the guy asked Frank if they could speak in Frank's office. Frank said no and that they could speak in the lobby by the elevators. Soon after that, the Local 100 representative left.

Some of my associates told me a day or so prior to the election that they were receiving calls on the Access-A-Ride line that our customers use to reserve rides stating "Vote for Local 100".

Multiple calls came in around 5 p.m. and created a backlog of calls.

I have read this statement and swear that it is true.



Jonathan Crimes

Dated: September 25, 2014

EXHIBIT L

Global Contact Services

Case #: 22-RC-134071

WITNESS STATEMENT OF

FRANK CAMP

My name is Frank Camp and I am Senior Vice President and Call Center Director for the GCS Access-A-Ride center located at 33-00 Northern Blvd.

On several occasions during the election cycle, as the center's Director, several associates came to me to complain about the activities in front of the building. On days when all 3 unions were present approximately 2 weeks prior to the election, 15-20 representatives would be on the street in front of the building. They were blocking stairways and ramps to the building to attempt to speak with as many associates as possible. Associates reported being touched and stopped by union representatives to get their attention although they asked them to leave them alone. Associates also reported that union representatives were shoving things into their bags, pocketbooks, etc., without their permission when they said they were not interested. Associates also reported to me that union representatives were making personal advances toward female associates, attempting to obtain their phone numbers for personal use.

On 3 occasions it was reported to me that union representatives for the TWU local 100 entered the call center space without authorization. The call center is not open to the public and GCS has very specific guidelines for any non-employee visitors including that they must sign a visitor register, present photo identification, receive a visitor's badge and be escorted by a member of the management team at all

times. After the 2nd occurrence, a notice was posted at the entrance area to the call center space stating that visitors who had not arranged in advance to be in the call center were not permitted. Even with the posted notices, TWU local 100 representatives continued to come into the space, speak with associates and leave documents for associates.

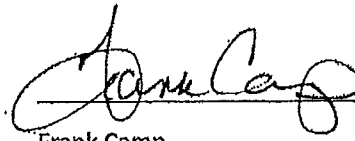
On one occasion, a union individual entered the space and walked through the hallways unauthorized. When asked who he was and what he needed he left the space. He returned a second time and was stopped again by the Director of Human Resources who told him to leave. He exited and returned a 3rd time to the office. I personally stopped him the 3rd time and told him if he did not leave we would call the police. He was escorted by me and Jonathan Crimes (Team Leader) to the elevators and out of the building. Posted notices for visitors and the visitor policies for the safety and security of GCS associates were ignored. This practice has continued and occurred as recently as September 24, 2014 despite being notified through legal counsel that representatives are not allowed in the building at this time.

I personally witnessed the TWU Local 100 Bus, TWU Local 100 Vans, a large balloon, tables set up in front of the building with T-shirts and signs, along with signs posted around the outside areas of the building during the election cycle.

It was also reported to me by Jonathan Crimes (Team Leader) that associates were stating to him that they were receiving TWU "get out to vote" calls through the toll free number reserved for Access-A-Ride customers to make reservations and check on the status of the trips. These calls impeded the associates' ability to handle customer calls during this time.

It was also reported to me one week prior to the election that TWU local 100 representatives were inviting associates into their bus parked in front of the building. The representatives were asked to name management/supervisory team members who were "problems" so that they could make sure they were "dealt with" when they were elected to represent the employees.

I have read this statement and swear that it is true.


Frank Camp

Dated: September 25, 2014